

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs

v.

JEFFREY DERDERIAN, et al.,
Defendants

C.A. No. 04-312L

**ANSWER OF THE DEFENDANT JACK RUSSELL TO THE MASTER
COMPLAINT OF THE SUPERIOR COURT PLAINTIFFS' STEERING COMMITTEE**

The Defendant Jack Russell ("Mr. Russell") hereby responds to the numbered paragraphs of the Master Complaint of the Superior Court Plaintiffs' Steering Committee (the "Master Complaint") in accordance with Fed. R. Civ. P. 8 and 12 as follows:

Preliminary Statement

Mr. Russell has been the subject of past investigations by the Attorney General's Office of the State of Rhode Island concerning the Station Nightclub Fire, and has a reasonable and legitimate concern that he may be the subject of future investigations into such matters, which are included within the scope of the allegations of the Master Complaint. Under these circumstances, Mr. Russell faces a real possibility of criminal prosecution arising out of, and related to, the matters alleged in the Master Complaint. As stated in particular detail below, Mr. Russell therefore expressly exercises his rights under the Fifth Amendment of the United States Constitution and Article 1, Section 13 of the Rhode Island Constitution (the "Fifth Amendment Privilege") to the fullest extent possible in response to the Master Complaint, and respectfully declines to answer the allegations contained in the Master Complaint for that reason.

Accordingly, except where specifically addressed below, all of the allegations set forth in the Master Complaint are hereby deemed specifically denied for purposes of Fed. R. Civ. P. 8. See deAntonio v. Solomon, 42 F.R.D. 320, 322 (D. Mass 1967). Mr. Russell does not intend, by any of his responses, to waive his Fifth Amendment Privilege and protection, and respectfully requests that, in the case of any doubt or ambiguity, his responses be construed as an assertion of the Privilege rather than a waiver of the Privilege. Mr. Russell also specifically reserves his right to amend his answer, and states that he hopes to do so as soon as he may do so without compromising his rights under the Fifth Amendment.

Introduction

The allegations of this Introduction consist of conclusions of law and characterizations that require no response. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

PARTIES

Plaintiffs

1. – 226. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to individuals other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to

respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

227. – 270. The Plaintiffs' have "reserved" paragraphs 227 through 270, and therefore Mr. Russell cannot respond to them at this time.

GENERAL ALLEGATIONS AS TO ALL DEFENDANTS

271. To the extent that the allegations of this paragraph concern any acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

JEFFREY DERDERIAN

272. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

273. – 279 Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT I
JEFFREY DERDERIAN – NEGLIGENCE

280. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

281. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT II
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

282. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

283. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

MICHAEL DERDERIAN

284. - 286. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT III
MICHAEL DERDERIAN - NEGLIGENCE

287. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

288. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT IV
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

289. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

290. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

DERCO, LLC

291. – 293. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT V
DERCO, LLC - NEGLIGENCE

294. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

295. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

296. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

297. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

HOWARD JULIAN

298. – 299. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT VI
HOWARD JULIAN - NEGLIGENCE

300. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

301. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT VII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

302. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

303. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

TRITON REALTY LIMITED PARTNERSHIP

304. – 307. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT VIII
TRITON REALTY LIMITED PARTNERSHIP - NEGLIGENCE

308. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

309. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT IX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

310. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

311. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

TRITON REALTY, INC.

312. – 315. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT X
TRITON REALTY, INC. - NEGLIGENCE

316. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

317. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XI
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

318. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

319. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

RAYMOND J. VILLANOVA

320. – 323. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XII
RAYMOND J. VILLANOVA - NEGLIGENCE

324. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

325. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XIII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

326. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

327. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

JACK RUSSELL

328. Mr. Russell admits that he is a resident of California. Since the remaining allegations of this paragraph concern or relate to acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

329. Since the allegations of this paragraph concern or relate to acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

330. Since the allegations of this paragraph concern or relate to acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

331. Since the allegations of this paragraph concern or relate to acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XIV
JACK RUSSELL - NEGLIGENCE

332. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

333. Since the allegations of this paragraph concern or relate to acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XV
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

334. In response to the allegations of the first sentence of this paragraph, Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint. Since the remaining allegations of this paragraph concern or relate to acts or omissions of Mr. Russell (or are otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

JACK RUSSELL TOURING, INC.

335. Mr. Russell admits that Jack Russell Touring, Inc., is a California corporation. Since the remaining allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those

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allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

336. Since the allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

337. Since the allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

338. Since the allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

339. Since the allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XVI
JACK RUSSELL TOURING, INC. - NEGLIGENCE

340. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

341. Since the allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XVII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

342. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

343. Since the allegations of this paragraph may be read to concern or relate to acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

PAUL WOOLNOUGH

344. – 347. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell

respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XVIII
PAUL WOOLNOUGH - NEGLIGENCE

348. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

349. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XIX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

350. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

351. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any

acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

MANIC MUSIC MANAGEMENT, INC.

352. – 355. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XX
MANIC MUSIC MANAGEMENT, INC. - NEGLIGENCE

356. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

357. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to

those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXI
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

358. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

359. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

KNIGHT RECORDS, INC.

360. – 363. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXII
KNIGHT RECORDS, INC. - NEGLIGENCE

364. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

365. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXIII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

366. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

367. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

DANIEL BICHELE

368. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

369. - 371 Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXIV
DANIEL BICHELE - NEGLIGENCE

372. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

373. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXV
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

374. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

375. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

ANHEUSER-BUSCH, INCORPORATED AND
ANHEUSER-BUSCH COMPANIES, INCORPORATED

376. – 384. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants

other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

ANHEUSER-BUSCH - NEGLIGENCE

385. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

386. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

MCLAUGHLIN & MORAN

387. – 392. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell

respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

MCLAUGHLIN & MORAN, INC. - NEGLIGENCE

393. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

394. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

WHJY, INC.

395. – 401. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also

requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

WHJY, INC. - NEGLIGENCE

402. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

403. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

CLEAR CHANNEL BROADCASTING, INC.

404. – 407. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXVI
CLEAR CHANNEL BROADCASTING, INC. - NEGLIGENCE

408. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

409. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

DENIS P. LAROCQUE, ANTHONY BETTENCOURT AND DIANE DERUOSI, IN HER
CAPACITY AS TREASURER OF THE TOWN OF WEST WARWICK

410. – 424. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXVII
DIANE DERUOSI, IN HER CAPACITY AS TREASURER OF THE TOWN OF WEST
WARWICK - NEGLIGENCE

425. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

426. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXVIII
DENIS P. LAROCQUE, FIRE INSPECTOR - NEGLIGENCE

427. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

428. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXIX
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

429. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

430. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXX
ANTHONY BETTENCOURT - NEGLIGENCE

431. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

432. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

STATE OF RHODE ISLAND AND
IRVING J. OWENS, FIRE MARSHAL

433. – 435. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXI
STATE OF RHODE ISLAND - NEGLIGENCE

436. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

437. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXXII
IRVING J. OWENS - NEGLIGENCE

438. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

439. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

BRIAN BUTLER

440. – 443. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXIII
BRIAN BUTLER - NEGLIGENCE

444. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

445. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

LIN TELEVISION CORPORATION

446. – 449. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXIV
LIN TELEVISION CORPORATION - NEGLIGENCE

450. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

451. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

CBS BROADCASTING, INC. D/B/A WPRI – CHANNEL 12

452. – 455. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXV
CBS BROADCASTING, INC. - NEGLIGENCE

456. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

457. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

BARRY H. WARNER

458. – 463. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXVI
BARRY H. WARNER - NEGLIGENCE

464. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

465. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT XXXVII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

466. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

467. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

LUNA TECH, INC. – NEGLIGENCE

468. – 471. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXVIII
LUNA TECH, INC. – STRICT LIABILITY

472. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

473. – 476. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XXXIX
HIGH TECH SPECIAL EFFECTS, INC. - NEGLIGENCE

477. – 480. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XL
HIGH TECH SPECIAL EFFECTS, INC.
STRICT LIABILITY

481. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

482. – 485. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLI
AMERICAN FOAM CORPORATION - NEGLIGENCE

486. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

487. – 491. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLII
AMERICAN FORM CORPORATION
STRICT LIABILITY

492. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

493. – 496. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also

requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLIII
LEGGETT & PLATT INCORPORATION - NEGLIGENCE

497. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

498. – 501. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLIV
LEGGETT & PLATT CORPORATION
STRICT LIABILITY

502. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

503. – 506. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell

respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLV
L & P FINANCIAL SERVICES CO. - NEGLIGENCE

507. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

508. – 510. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLVI
L&P FINANCIAL SERVICES CO. – STRICT LIABILITY

511. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

512. – 515. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or

relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLVII
GENERAL FOAM CORPORATION - NEGLIGENCE

516. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

517. – 519. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLVIII
GENERAL FOAM CORPORATION – STRICT LIABILITY

520. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

521. – 524. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent

that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT XLIX
GFC FOAM, LLC - NEGLIGENCE

525. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

526. – 529. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT L
GFC FOAM, LLC – STRICT LIABILITY

530. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

531. – 534. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants

other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LI
FOAMEX LP – SUCCESSOR LIABILITY FOR GENERAL FOAM CORPORATION

535. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

536. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT LII
FOAMEX INTERNATIONAL, INC. - NEGLIGENCE

537. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

538. – 541. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants

other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LIII
FOAMEX INTERNATIONAL, INC. – STRICT LIABILITY

542. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

543. – 546. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LIV
FMXI, INC. – LIABILITY AS GENERAL PARTNER

547. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

548. - 549 Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LV
PMC, INC.

550. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

551. - 552 Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LVI
PMC GLOBAL, INC.

553. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

554. – 555. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

JBL INCORPORATED F/K/A JAMES B. LANSING SOUND
INCORPORATED D/B/A JBL PROFESSIONAL - NEGLIGENCE

556. – 564. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LVII
JBL INCORPORATED – STRICT LIABILITY

565. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

566. – 569. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

ESSEX INSURANCE COMPANY, MULTI-STATE INSPECTIONS, INC. AND HIGH
CALIBER INSPECTIONS, INC.

570. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

571. – 575. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also

requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

ESSEX INSURANCE COMPANY – NEGLIGENCE

576. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

577. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT LVIII
MULTI-STATE INSPECTIONS, INC. - NEGLIGENCE

578. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

579. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to

those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT LIX
HIGH CALIBER INSPECTIONS, INC. - NEGLIGENCE

580. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

581. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

UNDERWRITERS AT LLOYD'S, LONDON AND
GRESHAM & ASSOCIATES OF R.I., INC.

582. – 587. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

UNDERWRITERS AT LLOYD'S, LONDON – NEGLIGENCE

588. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

589. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT LX
GRESHAM & ASSOCIATES OF R.I., INC. - NEGLIGENCE

590. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

591. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

FOUR SEASONS COACH LEASING, INC.

592. – 595. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LXI
FOUR SEASONS COACH LEASING, INC. - NEGLIGENCE

596. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

597. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT LXII
VIOLATION OF RHODE ISLAND GENERAL LAWS
TITLE 9, CHAPTER 1, SECTION 2

598. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

599. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of this paragraph be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of the allegations.

COUNT LXIII
“JOHN DOE” DEFENDANTS - NEGLIGENCE

600. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

601. – 605. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also

requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

COUNT LXIV
"JOHN DOE" DEFENDANTS – STRICT LIABILITY

606. Mr. Russell repeats and incorporates by reference herein his responses to all prior paragraphs of the Master Complaint.

607. – 610. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of these paragraphs, which are either (i) directed to defendants other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of his Fifth Amendment Privilege have the effect of a denial of those allegations.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

This Defendant asserts the affirmative defense of lack of personal jurisdiction over him by this Court and the State Court from which this action was removed.

SECOND AFFIRMATIVE DEFENSE

If the Plaintiffs should prove that injuries and damages were sustained as alleged, such injuries and damages resulted from acts or omissions of third parties over whom this Defendant had no control or right of control.

THIRD AFFIRMATIVE DEFENSE

While the allegations of the Plaintiffs are deemed denied with respect to negligence, statutory liability, strict liability, injury and damages, to the extent that the Plaintiffs may be able to prove the same, they were the result of intervening and/or interceding acts or superseding negligence on the part of third parties over which this Defendant had neither control nor right of control.

FOURTH AFFIRMATIVE DEFENSE

This Defendant states that, if the Plaintiffs suffered injuries or damages, as alleged, such injuries or damages were caused by some person(s) or entity(ies) for whose conduct this Defendant was not and is not legally responsible.

FIFTH AFFIRMATIVE DEFENSE

This Defendant did not act individually or engage in concert of action with any one or more of the other defendants herein for the purpose of accomplishing an unlawful purpose or to accomplish some purpose, not in and of itself unlawful, by unlawful means. Nor did this Defendant join in or participate in any joint venture with any one or more of the other defendants herein. Accordingly, the Plaintiffs cannot recover against this Defendant under theories of civil conspiracy or joint venture liability.

SIXTH AFFIRMATIVE DEFENSE

The damages, if any, recovered by the Plaintiffs from the decedent's alleged wrongful death are prescribed and limited by the provisions of R.I. Gen. Laws §§ 10-7-1 through 10-7-4.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiffs' claim for a specific monetary award (*ad damnum*) is barred by Rhode Island law and should be stricken pursuant to R.I. Gen. Laws § 9-1-30.

EIGHTH AFFIRMATIVE DEFENSE

This Defendant asserts the affirmative defense that the Complaint fails to state any claim against this Defendant upon which any relief, whether compensatory, exemplary, punitive, or otherwise can be granted.

NINTH AFFIRMATIVE DEFENSE

This Defendant asserts the affirmative defense that to the extent the Plaintiffs seek to impose punitive damages, any such claim for punitive damages would be unconstitutional under the United States Constitution and applicable provisions of the Rhode Island State Constitution and unlawful under applicable State statutes to the extent that, among other things: (1) a defendant's liability for punitive damages and the appropriate amount of punitive damages are not required to be established by clear and convincing evidence; (2) punitive damages are sought to be awarded without bifurcating the trial of all punitive damages issues; (3) any award of punitive damages is sought with no predetermined limit, such as a maximum multiple of compensatory damages or a maximum amount on the amount of punitive damages that the court or a jury may impose; (4) any award of punitive damages is based on anything other than a defendant's alleged conduct in connection with the events at issue in this lawsuit; or (5) an award of punitive damages is sought for the purpose of compensating the Plaintiffs for elements of damage not otherwise recognizable by applicable State law.

TENTH AFFIRMATIVE DEFENSE

The Plaintiffs' claims are time-barred by the applicable Statute(s) of Limitations.

JURY DEMAND

This Defendant demands a trial by jury on all issues so triable.

WHEREFORE, the Defendant, Jack Russell, respectfully requests that:

- A. the Plaintiffs' Complaint be dismissed with prejudice as to him;
- B. Plaintiffs' demands for relief against him be denied in every respect; and
- C. the Court grant such other and further relief as may be just, proper and equitable.

Jack Russell

By his Attorneys,

Fred A. Kelly, Jr. (by RJS)
Randall L. Souza

Fred A. Kelly, Jr. (#4553)
Randall L. Souza (#4082)
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Edwin F. McPherson (by RJS)

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1801 Century Park East, 24th Floor
Los Angeles, CA 90067
(310) 553-8833
(310) 553-9233 (Fax)

Dated: September 22, 2004

CERTIFICATION OF SERVICE

I hereby certify that on the 22nd day of September, 2004, I mailed a true copy of the within Answer of the Defendant Jack Russell to Plaintiffs' Master Complaint of the Superior Court Plaintiffs' Steering Committee via first-class mail, postage prepaid to all counsel of record listed on attached service list.

Collette Palmer